

Application No.: 10/822,696**Docket No.: 1509-487****REMARKS**

Many of the claims have been amended for clarity. For example, the antecedent basis for "host perspective signal" and "attention perspective signal" in claim 1 is now more clearly defined. Claim 2 has been amended to indicate the at least one sensor device of claim 1 includes the image capture device. Claim 7 has been amended to indicate each of the plural people-observing devices is cable of communicating with the attention detector and with each other. Claims 14 and 15 have been amended to more clearly indicate that they do not define alternative structures. Each of claims 17-20 has been amended to indicate the perspective attention signal is based on a detected parameter, particularly, facial expression, eye direction, body language and body posture. Claims 21 and 22 indicate the detectors defined therein are included in the first sensor device, the second sensor device or both the first and second sensor devices. Method claim 23 has been amended so that it more positively indicates the attention clue is captured by the at least one camera device and more positively defines the image capturing by the at least one camera device, while claims 24-28 have been amended to overcome the objections to them, as set forth in the office action. Claim 35 has been amended to provide a tie in between the interface or sensor device with the remainder of the claim. Claims 36 and 37 have been respectively amended to more specifically define the transponder device and the image capture device thereof.

The subject matter of claims 30 and 33 is now generally incorporated in claim 30 in claim 33 has been canceled. The subject matter of claim 39 is now generally included in claim 38 and claim 39 has been canceled.

Claim 42 has been amended to overcome the rejection thereof based on 35 USC 101. Claim 42 has also been amended to indicate the behavioral mode of the first animate object is determined from sensor signals representing attention clues collected

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from a self perspective of the first animate object and attention clues collected from an observed perspective of the first animate object.

Applicant traverses the rejection of claims 1-6, 8-12, 15-29 and 43-59 as being anticipated by Mann, US patent publication 2002/0057915. In addition, the anticipation rejection of claim 33, the subject matter of which is now generally included in claim 30, is traversed, as is the anticipation rejection of claim 39, the subject matter of which is now generally included in claim 38. Independent claims 35 and 42 have been amended to generally include some of the subject matter of some of the other claims rejected on the basis of anticipation, such that claims 35 and 42 distinguish patentably over Mann.

The rejection of each of independent claims 1, 23, 30, 34, 35, amended claim 38, claims 42, 43, 44 and, by proxy, claim 52, relies on the heart rate monitor Mann mentions in paragraph 0168 for: (1) the sensor device of claim 1 for generating a signal relating to a host wearer from a host perspective and relating to attention clue signals indicative of the attention of the host wearer to the host perspective signal; (2) detecting an attention clue exhibited by at least one first animate object from the perspective of a host second animate object carrying said at least one camera device, wherein said attention clue captured by the at least one camera device indicates the attention of the first animate object is drawn by a subject, as defined by claim 23; (3) detecting at least one attention signal in response to a detectable body parameter of at least one animate object, as required by claim 30; (4) an attention detection component for determining an attention signal of a person from a self perspective, as required by claim 34 (in the rejection of claim 34, reliance is on processor 150 for determining an attention signal of a person from the heart rate); (5) an interface for interfacing with at least one sensor device, as defined by claim 35; analyzing attention clues in a self perspective mode, as indicated by amended claim 38 (formerly included in cancelled claim 39); (7) analyzing a plurality of sensor signals representing attention clues collected from a self perspective of a first animate object, as required by claim 42; (8) attention clues generated from a self perspective of a host wearer of an attention detector that receives

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the attention clues, as set forth in claim 43; (9) a first sensor for generating a first signal relating to the attention level of a first animate object from the perspective of the first animate object, as defined by claim 44; and (10) the step of sensing the attention level of a first animate object from the perspective of the first animate object, as set forth in claim 52.

In the Mann reference, an elevated heart rate detected by a heart rate monitor in the brassiere type device illustrated in Figure 3B triggers a camera or microphone to capture images of men who might otherwise be violating the privacy or solitude of the woman wearing the brassiere type device by staring at her or making rude comments. The camera or microphone is located in the brassiere type device and captures images or presumably speech records of such men.

The men mentioned in paragraph 0168 of Mann do not meet the remaining requirements of the independent claims. For example, such a man does not generate a perspective attention signal relating to the host wearer from an observer perspective and relating to the attention clue signals, that is, the increased heart rate signal, as required by claim 1.

The office action incorrectly relies on Mann at paragraph 0144, that describes the system of Figure 2, to disclose a second sensor for generating a perspective attention signal relating to the host wearer from an observer perspective and relating to the attention clue signals, that is, the elevated heart rate detected by a heart rate monitor in the brassiere type device illustrated in Figure 3B. There is no indication in the relied upon portion of the Mann reference that the elevated heart rate detected by the heart rate monitor is ever sensed from an observer perspective. Paragraph 0142 of the reference indicates images may possibly be transmitted between the safety-charms; such images do not meet the definition set forth in the office action of a sensor device or other similar requirements of applicant's claims that the office action equivocates to the Mann heart rate monitor.

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The office action incorrectly relies on paragraph 0101 of Mann to disclose the claim 1 requirement for a portable attention detector for receiving the host perspective signal and the perspective attention clue signal and for determining a situation of raised attention of the host wearer from the received host perspective attention clues in the received observer perspective attention clues. Paragraph 0101 of the reference indicates processor 150 receives an input from image capture device 130 and that receiver 140 may also receive data, for example, in the form of pictures, from other nodes in the network. However, there is nothing in the relied on portions of the reference to indicate the elevated heart rate signal is combined with the data from the other nodes in the network to determine a situation of raised attention of the host wearer. As mentioned above, the only function ascribed in Mann to the elevated heart rate signal is to trigger a camera or microphone carried by the brassiere type device. Consequently, claim 1 is not anticipated by Mann.

Independent claim 23 is also not anticipated by Mann because it requires at least one camera device to be activated so it captures an image of a subject in response to detection of attention clues of first and second animate objects. As previously discussed, the camera carried by the brassiere type device of Mann is triggered exclusively by the elevated heart rate signal and there is no disclosure of such a camera being activated so it captures an image of an abrasive man in response to detection of the heart rate signal and an attention clue of a second animate object from an observer perspective and external to a second animate object.

Independent claim 30, now amended to generally include the subject matter of formerly dependent and now canceled claim 33, distinguishes over Mann by requiring the analysis to be performed in a mode of an observer perspective of the at least one animate object. In the office action, paragraph 0204 of Mann was relied on for the feature of performing the analysis in a mode of an observer perspective of the at least one animate object. Paragraph 0204 indicates a video motion detector can sense the

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motion of a potential assailant coming up behind the wearer of apparatus 600, illustrated in Figure 6 and described in paragraph 0202 as being in a backpack. There is no indication that the backpack of Figure 6 can monitor heart rate; indeed, the backpack and the brassiere type device appear to be incompatible. Thus, the backpack of Figure 6 and the brassiere type device discussed in paragraph 0168 cannot be the basis for an anticipation rejection, based on 35 USC 102 (e). In addition, Mann has no disclosure of analyzing the elevated heart rate signal in the mode of an observer perspective of the at least one animate object, as claim 30 now requires.

Independent claim 34 is not anticipated because it requires a transponder device for receiving activation signals from a remote source, wherein attention detecting components for determining an attention signal of a person from a self perspective is configured for identifying the activation signals. An image is required to be captured in response to the self perspective activation signal and the received activation signal. The analysis set forth in the office action does not meet this requirement because the camera carried by the brassiere type device of Mann is disclosed as being triggered exclusively by the elevated heart rate signal.

Independent claim 35, as amended, distinguishes over Mann by requiring an analyzer for determining from a first signal indicative of an intention state of a first animate object and a sensor signal representing aspects of body language of the first animate object, as observed from a position external of the first animate object and at least one attention clue related to a second animate object and observing the first animate object. The office action has equated the claimed sensor device with the heart monitor of Mann. However, Mann has no disclosure of an analyzer for determining, from the monitored heart rate and a sensor signal related to a second animate object observing the first animate object, at least one attention clue related to a second animate object observing the first animate object. The attention clue is derived only from the heart rate signal.

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Amended independent claim 38, that now includes the subject matter of claim 39, is not anticipated by Mann because the office action, in connection with the rejection of claim 39, inaccurately states the heart rate monitor of paragraph 0168 is used in connection with the backpack 600 and processor 650 of Figure 6 as described in paragraph 0205. However paragraphs 0202-0206 of the reference have nothing to do with a signal collected from a heart monitor, but indicate processor 650 is only responsive to objects to the rear of the subject carrying backpack 600, as detected by video camera 310 or radar device 610; see paragraphs 0202-0205.

Amended claim 42 distinguishes over Mann by requiring a behavioral mode of a first animate object to be determined from analyzed plural sensor signals representing attention clues collected from the self perspective of a first animate object and attention clues collected from an observed perspective of the first animate object. In Mann, the behavioral mode of the first object (that is, the anxiety level of a woman) is indicated only by the monitored heart rate signal. There is no disclosure of determining a behavioral mode of the woman from analyzed plural sensor signals representing the attention clues collected from the self perspective of the woman and attention clues collected from the observed perspective of the woman.

The rejection of claim 43 incorrectly relies on camera 310 of Mann to be an animate object observing device for observing a host wearer of an attention detector from an observer perspective external of the host wearer and determining attention clues of the host wearer from the observer perspective externally of the host wearer. Because camera 310 merely provides an image of the man gazing at the woman, camera 310 cannot be considered an animate object observing device for (1) observing a host wearer of an attention detector from an observer perspective external of the host wearer and (2) determining attention clues of the host wearer from the observer perspective externally of the host wearer.

In the rejection of claim 44, the office action relies on the heart monitor feature of

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paragraph 0168 and states camera 310 reads on the claimed second sensor. However, camera 310 does not generate a second signal relating to the first animate object, that is, the woman, from a perspective other than the first animate object because camera 310 merely monitors the images of the man who is gazing at the woman. The office action also relies on processor 650 in backpack 600 for determining that the first animate object, that is the woman, has a raised attention level in response to the heart rate signal and the signal from camera 310. This reliance on processor 650 is wrong because processor 650 is not responsive to the heart rate signal, is not responsive to the signal from camera 310 and makes no determination with regard to the first animate object, that is, the woman. Concerning the latter point, processor 650 merely provides information concerning a view that is behind the wearer of backpack 600; see the last sentence of paragraph 0202.

Claim 52 is not anticipated by Mann because the reference does not determine that a first animate object has an attention level that is sensed from the prospective of the first animate object and from a perspective other than the first animate object.

Dependent claims 2-6, 8-12, 15-22, 24-29, 31, 32, 36, 37, 40, 41, 45-51 and 53-59 are allowable for the same reasons advanced for the claims upon which they depend. Many of these claims include features not found in Mann. However, applicant is of the opinion that there is no need to discuss these features because it has been clearly shown that the independent claims are not anticipated by Mann. Similarly, there is no need to specifically discuss the rejection of claims 7, 13 and 14 under 35 USC 103(a) as being unpatentable over Mann in view of Strub et al. US patent 6,563,532 because Strub et al. obviously fails to cure the foregoing deficiencies in Mann.

In view of the foregoing amendments and remarks, allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

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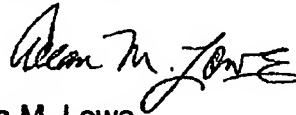
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this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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